that the whole of the forest has not legally become a reserve without exception; all those included lands (or perhaps the whole forest area in some cases) which are private property and turn out to be so when the Settlement Officer enquires into the matter, were never affected by the notification which declared the forest generally to be 'Reserved.'

Section XIV.—Final Demarcation.

§ 1.—*Object of Demarcation.*

I reserved this subject to the last because a final and permanent demarcation is not usually made, or at least not made on all points, till the boundaries are placed beyond doubt by the termination of the settlement.

It is hardly necessary to remark that it is essential for all the objects of a forest estate that the boundaries should be known.

It is not possible to punish people for trespass and mischief unless they can certainly know whether they are inside the reserved forest or not. The special provisions of the law, as far as they relate to the protection of estates, must necessarily operate within certain definite limits.

So with the settlement of rights and the prohibition to their acquisition; it must be over definite areas that the rights have been settled, and within which new rights cannot be acquired[4].

[4] It is interesting to observe how the early forest writers appreciate the demarcation of forests. Here is an extract from Manwood (page 129):—

"It is most necessary that the very true meets and limits of the forest should be known unto all men, and most especially to those that are the officers of the forest, and that, for many causes: for, if a man be prosecuted for the killing of a wild beast of the forest, the place where the same was killed is very material to be known; for, although that the same were a wild beast of the forest, yet if that it were killed out of the forest, which in some sort may be done, and yet no offence to the forest laws; and therefore the limits and bounds of the forest are especially to be known. And also when the 'regarders' do go to make their view of the forest and to see the spoil of the woods and coverts, and of all such articles as they are by their office and oath charged to view and enquire of, there the limits and bounds of the forest must needs be known unto them, for otherwise they may deal with matters that are dehors

There is nothing in the Act which requires that any particular form or method of demarcation should be adopted. A forest may be clearly "meted and bounded" by natural marks, such as a steep cliff, a river, a distinctly marked ravine or glen, or the crest of a ridge. A permanent metalled road, a railway or a canal may also serve as a line of boundary.

Boundary pillars may not then be required except one here and there to carry serial numbers. Trenches, continuous or interrupted, are often used as boundary lines. And in dense jungle countries cleared lines are the most efficient and satisfactory.

In any case the boundaries must be easy to ascertain. It is not right to punish people for trespass when they cannot really tell whether they are inside the reserved forest or not; when, given one pillar, it is only possible for a forest official or an expert to tell in which direction to find the next.

Pillars or marks should always be made to carry serial numbers[5]; hence some marks of the kind are necessary even when the boundary line is also indicated otherwise.

Unmetalled roads liable to deviate or be obliterated, trees which may be blown down or cut down should not be adopted as permanent boundary marks[6]. This is of course speaking generally and on principle. There may be localities, as in British Burma, where in

and out of the forest, and that they may not do." See also Manwood's definition of a forest given at page 84 *ante*. In the edition of 1665, the words are "meet" and "meeted;" in the edition quoted in "Williams on Rights of Common," they are "meers" and "meered."

[5] A most essential practice. The pillars can then be identified on the maps; and guards going on their rounds and discovering a broken pillar, or the fact of some encroachment, can at once report the fact with reference to the boundary numbers. So fires and other offences can often be at once localized by aid of the numbered pillars.

[6] This is prescribed also in the Prussian practice (Eding, p. 83 *et seq.*,) and in Saxony (Qvenzel, p. 181). The Prussian law objects to all tracks, footpaths, and small streams, as they are liable to change their courses and are uncertain.

It is also recommended to bury charcoal, fragments of pottery, &c., under the pillars, so that if the pillar is destroyed the site can be afterwards established beyond doubt.

our present stage of management, boards painted white and fixed to trees at intervals along cleared and off lines are very efficient marks.

§ 2.—*Preservation of Boundary Marks.*

In the Revenue Manual[7] I have indicated the provisions of the revenue law regarding the maintenance of boundary marks when they happen to form boundaries between forest and revenue-paying land, and are consequently under the revenue law.

Wilful damage to boundary marks can in any case be punished under the Indian Penal Code[8], and also under the special provisions of the Forest Act, section 62. (Burma 62).

Forest boundary pillars often stand entirely in the forest, or between it and Government waste land, so that the cost of erecting them and of repairing them afterwards is borne by Government. But it may be in some cases that the pillar is between a revenue-paying estate and Government land, and then it may come under the Land Revenue law (or the Bengal Survey Act), and the district officer may have jurisdiction to apportion the cost of the marks.

§ 3.—*European Law regarding Boundary Marks.*

The continental laws all contain rules for the determination of boundary lines and their indication by boundary marks. In these countries, however, forest property of the State is nearly always contiguous to some private property, because the whole area of the country is occupied, and not as in India, partly waste. The provisions of the law are therefore different.

In France either the State (forest proprietor) or the neighbours may demand that a boundary may be determined and laid down. Disputes about it are carried to the Civil Court. A written record of the proceeding (*procès verbal de la délimitation*) is pre-

[7] Book II, Chapter IV, section 3, &c.
[8] Section 434.

pared and deposited[9], much in the same way as a 'thákbast misl' is in our own land settlements.

The Italian law refers to all forests (no matter who they belong to) when found on mountain slopes up to the limit of the growth of the chesnut; and above that if they are of a protective character. All forests under the law up to the limit mentioned, and all that in other positions are specially exempt, must be permanently demarcated (*siano segnati i confini con termini inalterabili*), and descriptive registers of the boundaries are prepared[10].

The German laws provide that either of two neighbouring estates can claim to have the boundaries fixed and indicated by permanent marks (*feste erkennbare zeichen*)[1]. Under this rule the State forests can of course be (and are) demarcated.

[9] Code. For. Arts. 8—14; Curasson, Vol. I, p. 149. There are some further details about laying down part of a boundary or proceeding to the whole estate, which I do not think it necessary to enter on.

[10] Law of June, 1877, Art. 1, and Royal decree for its execution, Arts. 17—19.

[1] Qvenzel, p. 167, and regarding record of the boundaries, p. 98.